

**REMARKS**

Claim 1 is pending in this application. In the September 6, 2005 Final Office Action, the Examiner rejected Claim 1 as obvious under 35 U.S.C. § 103(a) over Utsunomiya et al. ( U.S. Patent No. 6,154,437) (“Utsunomiya”).

In the September 6, 2005 Office Action, the Examiner renewed his rejection of claim 1 as obvious over Utsunomiya raising the same arguments as in the May 13, 2005 Office Action. In the September 6 Final Office Action, the Examiner provides a response to Applicants’ arguments and concluded they are not persuasive. However, Applicants respectfully submit that the Examiner has not correctly stated Applicants’ arguments.


In response to the May 13, 2005 Office Action, Applicants argued that Utsunomia does not teach or suggest “a light-transmitting layer adhered to the dielectric part with an adhesive agent.” In support, Applicants asserted, first, that the Examiner collapsed the “light transmitting layer” element with the “substrate 2” in Utsunomia. Claim 1 recites a substrate and a separate and distinct light transmitting layer. By asserting that the substrate is the same as the light transmitting layer, the Examiner has effectively written an element out of claim 1. The Examiner did not address this problem with his rejection. As Utsunomia does not teach a light transmitting layer separate from a substrate layer, Applicants submit that claim 1 is allowable over the cited art.

In addition, Applicants had also asserted that Utsunomia does not teach or suggest the light transmitting layer adhered to the dielectric part, which contacts the data-recording layer, because there’s not teaching in Utsunomia of using an adhesive agent. The Examiner admitted that Utsunomia does not show that “the recording layer is organic material and the light transmitting layer is adhered to the dielectric layer by an adhesive agent.” However, the Examiner argues that organic material and adhesives are well known. This misses the point by ignoring the significance of having the light transmitting layer adhered to a dielectric with an adhesive and having the dielectric contact the organic recording layer. In particular, the dielectric layer contacts the recording layer and protects the organic material from the adhesive that attaches the light transmitting layer to the dielectric. *See* Specification, pg. 7. Utsunomia does not teach or even suggest this unique structure.

In view of the foregoing, Applicants respectfully submit that claim 1 is in condition for allowance. Favorable reconsideration is respectfully requested.

Respectfully submitted,

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